IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6393 of 1995

For Approval and Signature:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VAJESING PUJSINH PARMAR

Versus

HINABEN,WD/O RAKESHKUMAR BANESINH CHAMPAVAT

Appearance:

1. First Appeal No. 6393 of 1995

MR RAJNI H MEHTA for Petitioner No. 1-2

..... for Respondent No. 1,8-10

NOTICE UNSERVED for Respondent No. 2-7

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 11/03/2004

ORAL JUDGEMENT

(Per : HON'BLE THE CHIEF JUSTICE)

This appeal is directed against the order of interim compensation dated 22nd August, 1995 made by the Motor Accident Claims Tribunal, Sabarkantha at Himatnagar in MACP No. 92 of 1995. The claimants have been awarded the interim compensation of Rs.2,95,500.00 with interest thereon at the rate of 12 per cent pa. under section 163-A of the Motor Vehicles Act, 1988. The claimants submit that the claim petition under section 166 of the Motor Vehicles Act, 1988 is pending before the tribunal concerned. Therefore, he would like to pursue that claim petition, therefore, this first appeal may be disposed of. Counsel for the appellant has no objection. Accordingly, order of the MACT Sabarkantha at Himatnagar dated 22nd August, 1995 in MACP No. 92 of 1995 is set aside. Parties to pursue the claim petition filed under section 166 of the Motor Vehicles Act, 1988 before the MACT Sabarkantha at Himatnagar. The amount deposited by the appellant company in the registry of this court be returned. Claimants are permitted to take direct service of this order and place it before the MACT Sabarkantha at Himatnagar to avoid delay in the disposal of the case pending there. Record and Proceedings, if any, be returned immediately to the MACT Sabarkantha. There shall be no order as to costs.

[BHAWANI SINGH]
CHIEF JUSTICE

[H.K.RATHOD]
JUDGE

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